IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.18798-M of 2007
Date of Decision:- 10.05.2007

Sukhdev Singh ....Petitioner(s)

through
Mr.A.S.Trikha, Advocate

vs.

State of Punjab & ors. ....Respondent(s)

through
Mr.Rajesh Bhardwaj, DAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1. Whether Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The petitioner, who is a convict under the N.D.P.S.Act, is aggrieved at the order dated 6.11.2006 (Annexure P-1) whereby he has been denied parole on the ground that there is an apprehension of breach of peace as he may indulge in sale of poppy husk.

Somewhat similar plea has been taken in the written statement filed in Court.

There appears to be no doubt that after his conviction, the petitioner has not been released on parole so far. In that event, there appears to be no factual basis for the respondents to form this opinion that the petitioner may indulge in the sale of poppy husk.

That apart, various remedial measures can be taken by the Authorities to ensure that the petitioner does not misuse the concession of parole. Not only he can be asked to furnish his own requisite bail bonds, he

can also be required to furnish two sureties who should be respectables of the village. The petitioner is also directed to report to the police station intermittently at least twice a week to ensure that there is no breach of law and order.

In the light of the observations made here-in-above, it appears that the petitioner's case requires re-consideration. Consequently, this petition is allowed; the impugned order dated 6.11.2006 (Annexure P-1) is set aside and the respondents are directed to re-consider the petitioner's request in accordance with law and to pass an appropriate order within a period of two months from the date of receipt of certified copy of this order.

May 10, 2007 **(SURYA KANT)**
poonam **JUDGE**